

**EXHIBIT 8 TO THE MEMORANDUM OF LAW**

**Ex8mol**

FRANKLIN I. OGELE (FO-oo40)  
LAW OFFICE OF FRANKLIN OGELE  
ONE GATEWAY CENTER, SUITE 2600  
NEWARK, NJ 07102  
ATTORNEY FOR OLIVER L. VELEZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

OLIVER L. VELEZ

INDEX #07/112799

Plaintiff

vs.

CIVIL ACTION #07-CV-08524 (AKH)

ATTORNEY'S AFFIRMATION

FINANCIAL INDUSTRY  
REGULATORY AUTHORITY  
GREG CAPRA AND  
PRISTINE CAPITAL HOLDINGS, INC.

Defendants

-----X

FRANKLIN I. OGELE, an Attorney duly admitted to practice law in the State of New York and before this Court, affirms under penalty of perjury and says:

1. I am the Attorney for Oliver L. Velez ("Velez"), and I have knowledge of the facts set forth herein. I submit this affirmation in support of Velez's Motion to Remand, to Dismiss Greg Capra and Pristine Capital Holdings Inc.'s Notice of Removal (Index #07-CV-08524) and for Attorney Fees and Costs.
2. The grounds for the Motion to Remand, to Dismiss and for Attorney Fees and Costs are as follows:
  - i. There is no federal subject matter jurisdiction in both the Arbitration Complaint and Velez' Motion to Stay Arbitration;

ii The is no diversity of citizenship among the defendants.

iii. The case law and federal removal statute permit a litigant who prevails in a remand action to petition the Court for fees and costs.

3. Attached to this Affirmation is the Schedule for Attorney Fees and Costs owed to me by Velez for litigating this matter.

4. Attached also to this Affirmation is a summary of my experience as a lawyer and securities and/or financial services industry professional.

5. For reasons set forth in the accompanying Memorandum of Law, the Court should (1) Remand the above matter to the New York Supreme Court; (2) Dismiss the Notice of Removal and (3) Order Capra and Pristine Capital to pay the Attorney Fees and Costs herein.

Affirmed this 16<sup>th</sup> day of November 2007

  
Franklin I. Ogele, Esq.

AttnyAffirmation2

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***Bar Admissions  
 New York and New Jersey***

November 15, 2007

**SCHEDULE OF BILLABLE HOURS AND ATTORNEY  
 FEES ON LITIGATING THE NOTICE OF REMOVAL  
 FILED BY CAPRA AND PRISTINE CAPITAL**

10/18/07	Reviewed Notice of Removal filed by Capra and PCH 1hr/\$400/hr	\$400.00
10/23/07	Commenced researching Federal Removal Statutes and sketching the broad outlines of Response to the Notice of Removal 2.50hrs/\$400/hr	\$1000.00
10/30/07	Telconf with Velez on Remand. .50/\$400/hr	\$200.00
10/31/07	Reviewed Counsel's Memorandum of Law and supporting Motion Papers in connection to Removal Notice; including FINRA's Conduct Rules; Code of Arbitration and Code of Procedures 3hrs/\$400/hr	\$1,200.00
10/31/07	Drafted Stipulation to Extend Response Date to 1/16/07; researched removal case law 6hrs/\$400/hr	\$2,400.00
11/1/07	Contd. Research of Removal materials 5hrs/\$400/hr	\$2,000.00
11/3/03	Commenced drafting Remand Papers 5hrs/\$400/hr	\$2,000.00

11/8/07	Contd drafting of Remand Memorandum of Law 5hrs/\$400/hr	\$2,000.00
11/9/07	Contd Work on Remand Memorandum of Law 5hrs/\$400/hr	\$2,000.00
11/10/07	Contd. Work on Remand Memorandum of Law; Velez' Certification; Notice of Motion; Order etc. 5hrs/\$400/hr	\$2,000.00
11/11/07	Revision of Remand Papers; collation and photocopying (5 sets) of supporting documents 7hrs/\$400/hr	\$2,800.00
	Out of Pocket – Kinkos	\$61.15
11/11/07	Contd. revision and packaging of Remand Papers 3hrs/\$400/hr	\$1,200.00
11/11/07	Teleconf. with client on Remand matter. .50/\$400/hr	\$200.00
11/12/07	Completed Drafting of Remand Papers; emailed draft papers to Velez for review 3.50/\$400/hr	\$1,400.00
11/12/07	To and fro to Staples for Stationeries; Arranging Remand Papers in binders 2hrs/\$400/hr	\$800.00
	Out of Pocket – Stationeries	45.94
11/13/07	Further revisions to the Remand Papers; to and fro to Southern District Court, NY to review filing procedures 6.50hrs/\$400/hr	\$2,600.00
	Out of Pocket Cab to Court \$6.00 Cab from Court \$7.00 Parking \$10.00	\$23.00
11/14/07	Various telconf. with Velez; various revisions based on Velez changes and packaging of remand papers 5hrs/\$400/hr	\$2,000.00

11/15/07	Estimated time with Kinkos to scan remand papers for ECF and filing 2hrs/\$400/hr	\$800.00
	Estimated out of Pocket – Kinkos Scanning	\$200.00
	Actual out of Pocket – Kinkos	48.13
11/27/07	Estimated time to travel to and fro to the Southern District for oral argument of Remand Motion 7hrs/\$400/hr	\$2,800.00
	<b>Total Billables and Estimates</b>	<b><u>\$30,178.22</u></b>

BEGIN TIME 11:47  
 END TIME 11:58  
 TRIP # 16437  
 RATE No.  
 MILES .1  
 FARE \$ 0.76  
 S.90

Contact TLC Dial  
 3-1-1

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0009 11/12/07 03:52

QTY SKU

OUR PRICE

MED # 2033  
 Date 11/13/07  
 12:37 TO 12:43  
 TRIP # 2474  
 Stand. City Rate  
 DIST 0.74 mi  
 Rate 1 \$ 5.30  
 TOTAL \$ 5.30  
 CONTACT TLC  
 DIAL 3-1-1

REWARDS NUMBER 2643774645

1	SPLS ASST BINDER C 718103011471	3.99
1	STAPLES LGE BINDER 718103011518	3.99
1	3M/4PK-SCOTCH TAPE 051131704022	7.49
3	DURABLE BINDER 1IN 077711272507	2.490ea
1	READY INDX TOC 10T 067933206206	19.99
<b>SUBTOTAL</b>		42.93
Standard Tax 7.00%		3.01
<b>TOTAL</b>		<b>\$45.94</b>
Cash		60.00
Cash Change		14.06

**TOTAL ITEMS** 7



FedEx Kinko's

November 11, 2007 16:54

Page: 1

Receipt #: 198450

Discover #: XXXXXXXXXXXXXXX3150

2007/11/11 16:07

Qty	Description	Amount
24	ES B&W S/S White 8.5 x11	2.16
140	ES B&W S/S White 8.5 x11	12.60
471	ES B&W S/S White 8.5 x11	42.36
	SubTotal	57.12
	Taxes	4.00
	Total	61.12

The Card holder agrees to pay the Issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

55 Route 22 East 0733763966  
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[www.fedexkinkos.com](http://www.fedexkinkos.com)  
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44-755  
 Front in Open  
 NAME \_\_\_\_\_  
 MAKE \_\_\_\_\_  
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la página del Internet o por teléfono.  
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Survey code expires 11/21/2007.

\*\*\*\*\*

QTY SKU	OUR PRICE
1 SONY MICVCLASSIC 2 027242674462	44.98
SUBTOTAL	44.98
Standard Tax 7.00%	3.15
TOTAL	\$48.13
Cash	50.00
Cash Change	1.87